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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,998	03/12/2001	Hirohisa Naito	826.1698	6400

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EXAMINER	
BOYCE, ANDRE D	
ART UNIT	**PAPER NUMBER**
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/802,998	NAITO ET AL.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-7,16-20,29-33,41 and 42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-7,16-20,29-33,41 and 42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Final office action is in response to Applicant's amendment filed September 10, 2007. Claims 3-7, 16-20, 29-33, 41 and 42 have been amended and are pending.

2. Applicant's arguments filed September 10, 2007 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 3-7, 16-20, 29-33, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady et al (US 2002/0062244), in view of Busche et al (US 2003/0055707).

As per claim 3, Brady et al disclose behavior data fee collection system using computer (central server 22 billing and collecting payments, ¶ 0038), comprising: a data process unit (i.e., location manager 172, ¶ 0047) processing data in which a paired series of at least place information including identities of facilities located at a specific place (i.e., define the location participating in the campaign and the capabilities of the location, ¶ 0047) and an associated data content to be provided to

the customers (i.e., user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053), provided to a user are described according to a prescribed specification (i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047), a behavior data generation unit generating behavior data from an aggregate of place data (i.e., customer/location profile table 234, ¶ 0055), said behavior data including data relating to facilities visited by a specific user (i.e., location ID 652, ¶ 0055), and user behavior undertaken at said facilities (i.e., number of items per purchase 676, ¶ 0055); and a fee collection unit collecting a fee from a facility in response to the user utilizing place information described in the data (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038, and a location ID 566 that uniquely identifies the location where the activity is taking place and is used to bill advertisers and distribute payment, ¶ 0053), transmitting the behavior data to a requesting enterprise, and collecting a fee from the requesting enterprise (i.e., reports on various campaigns and billing of advertisers, ¶ 0038).

Brady et al does not explicitly disclose a service of providing routes to a user and a visiting order. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et

al, as seen in Busche et al, as an effective means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

As per claim 4, Brady et al disclose behavior data fee collection system using a computer (central server 22 billing and collecting payments, ¶ 0038), comprising: data process unit (i.e., location manager 172, ¶ 0047) processing data in which a paired series of at least place information including identities of facilities located at a specific place (i.e., define the location participating in the campaign and the capabilities of the location, ¶ 0047) and an associated data content to be provided to the customers (i.e., user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053), provided to a user are described according to a prescribed specification (i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047); a place data acquisition unit obtaining place data transmitted from the unit (i.e., location server 16, ¶ 0038); and a behavior data generation unit totaling information from obtained place data as behavior data (i.e., central sever 22 collecting customer data and location data and analyzing the data to extract information concerning buying habits and thinking characteristics, ¶ 0041) said behavior data including data relating to facilities visited by a specific user (i.e., location ID 652, ¶ 0055), and user behavior undertaken at said facilities (i.e., number of items per purchase 676, ¶ 0055), and a behavior data fee calculation unit calculating a fee for use of the behavior data (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038), wherein said fee is calculated in response to the user utilizing the place

data (i.e., a location ID 566 that uniquely identifies the location where the activity is taking place and is used to bill advertisers and distribute payment, ¶ 0053) and transmitting the behavior data to a requesting enterprise, and collecting a fee from the requesting enterprise (i.e., reports on various campaigns and billing of advertisers, ¶ 0038).

Brady et al does not explicitly disclose a service of providing routes to a user and a visiting order. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et al, as seen in Busche et al, as an effective means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

As per claim 5, Brady et al disclose behavior data fee collection system using computer (central server 22 billing and collecting payments, ¶ 0038), comprising facility data registration unit registering facility data (i.e., location manager 172, ¶ 0047); a registration fee calculation unit calculating a registration fee when the data are registered (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038), and a behavior data generation unit (i.e., location manager 172, ¶ 0047) generating data in which a paired series of facility data including at least place information including identities of

facilities located at a specific place (i.e., define the location participating in the campaign and the capabilities of the location, ¶ 0047) and an associated data content (i.e., user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053), to be provided to the user based upon a location of the user (i.e., instrumentation table 106, e.g., location acquisition unit, including a user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053) and described according to a prescribed specification (i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047), said behavior data including data relating to facilities visited by a specific user (i.e., location ID 652, ¶ 0055), and user behavior undertaken at said facilities (i.e., number of items per purchase 676, ¶ 0055).

Brady et al does not explicitly disclose a registration unit storing a user selected route, registering facility data along the user selected route, and a visiting order. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). In addition, Busche et al disclose the frequency of paths taken, with relationship to stationary objects such facilities (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et al, as seen in Busche et al, as an effective

means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

As per claim 6, Brady et al disclose a behavior data fee collection system using a computer (central server 22 billing and collecting payments, ¶ 0038), comprising: a facility data registration unit registering facility data (i.e., location manager 172, defining participating locations ¶ 0047); a behavior data generation unit (i.e., location manager 172, ¶ 0047) generating data in which a paired series of facility data including at least place information including identities of facilities located at a specific place (i.e., define the location participating in the campaign and the capabilities of the location, ¶ 0047) and an associated data content to be provided to the customers (i.e., user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053), are provided to a user based upon a location of the user (i.e., instrumentation table 106 (i.e., location acquisition unit) including a user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053) and described according to a prescribed specification (i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047) said behavior data including data relating to facilities visited by a specific user (i.e., location ID 652, ¶ 0055), and user behavior undertaken at said facilities (i.e., number of items per purchase 676, ¶ 0055); a behavior data process unit obtaining information about use of data when the data is generated (i.e., central sever 22 collecting customer data and location data and analyzing the data to extract information concerning buying habits and thinking characteristics, ¶ 0041), and charging a fee against each

facility (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038), wherein said fee is calculated in response to the user utilizing the facility data (i.e., a location ID 566 that uniquely identifies the location where the activity is taking place and is used to bill advertisers and distribute payment, ¶ 0053).

Brady et al does not explicitly disclose a route selected by the user and a visiting order. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et al, as seen in Busche et al, as an effective means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

As per claim 7, Brady et al disclose a behavior data fee collection system using a computer (central server 22 billing and collecting payments, ¶ 0038), comprising: a facility data registration unit registering facility data (i.e., location manager 172, defining participating locations ¶ 0047); a behavior data generation unit (i.e., location manager 172, ¶ 0047) generating data in which a paired series of facility data including at least place information including identities of facilities located at a specific place (i.e., define the location participating in the campaign and the capabilities of the location, ¶ 0047) and an associated data content to be provided to

the customers (i.e., user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053), are provided to a user based upon a location of the user (i.e., instrumentation table 106 (i.e., location acquisition unit) including a user interface ID 568 that identifies the user interface in the location the customer is using, ¶ 0053) and described according to a prescribed specification (i.e., limits on what kinds of campaigns will be hosted at the location, ¶ 0047) said behavior data generating unit further generating behavior data including data relating to facilities visited by a specific user (i.e., location ID 652, ¶ 0055), and user behavior undertaken at said facilities (i.e., number of items per purchase 676, ¶ 0055); a behavior data process unit (i.e., central server 22, ¶ 0041) obtaining information about use of data when the data are downloaded (i.e., collection of location data, ¶ 0041), when use of the data is started, when each facility is reported in a process of the data or when guidance or advertisement on each facility is presented to a user in a process of the data (i.e., defining the capabilities of the locations, what campaigns the locations will participate in, and the limits on what kind of campaigns will be hosted at each location, ¶ 0047), and charging a fee against each facility (i.e., location server 16 bills the advertisers for work done, based upon the location of the advertiser workstations 10, ¶ 0038), wherein said fee is charged in response to the user utilizing the facility data (i.e., a location ID 566 that uniquely identifies the location where the activity is taking place and is used to bill advertisers and distribute payment, ¶ 0053).

Brady et al does not explicitly disclose a route selected by the user and a visiting order. Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060). Both Brady et al and Busche et al are concerned with effective target marketing, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include setting a fee for a service of providing routes to a user in Brady et al, as seen in Busche et al, as an effective means of providing customer paths that are financially more attractive to a retail establishment (see Busche et al, ¶ 0060).

Claims 16-20 and 41 are rejected based upon the same rationale as the rejection of claims 3-7 and 7, respectively, since they are the method claims, corresponding to the system claims.

Claims 29-33 are rejected based upon the same rationale as the rejection of claims 3-7, respectively, since they are the storage medium claims, corresponding to the system claims.

Claim 42 is rejected based upon the same rationale as the rejection of claim 3, since it is the apparatus claim corresponding to the method claim.

Response to Arguments

5. In the Remarks, Applicant argues that none of the references, alone or in combination, disclose or suggest a behavior data generation unit generating behavior data from an aggregate of place data, said behavior data including data

relating to facilities visited by a specific user, a visiting order, and user behavior undertaken at said facilities. The Examiner respectfully disagrees. Brady et al disclose a behavior data generation unit generating behavior data from an aggregate of place data (i.e., customer/location profile table 234, ¶ 0055), said behavior data including data relating to facilities visited by a specific user (i.e., location ID 652, ¶ 0055), and user behavior undertaken at said facilities (i.e., number of items per purchase 676, ¶ 0055). Moreover, Busche et al disclose spatial analysis determining and monitoring the path (i.e. route) of a customer, wherein alternative actions and processes may cause the implementation of new customer paths (¶ 0060), thus indeed discloses a visiting order.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANDRE BOYCE
PATENT EXAMINER
A.U. 3623

adb
November 25, 2007